

39990

B/xx in C/xx

2 Works in 1 vol (Webb & Pittinger)

18.00

3 folding plates.

Handwritten signature or stamp, possibly "H. C. Webb & Pittinger"

\$50.

2

T H E
LATIN INSCRIPTION,
ON THE
COPPER TABLE,

Discovered in the Year 1732,

N E A R
HERACLEA, in the BAY of TARENTUM,
in MAGNA GRAECIA,

And published, by MAZOCHIUS, at NAPLES, in the year 1758.

More particularly CONSIDERED and ILLUSTRATED.

By J O H N P E T T I N G A L, D. D.

Read at a Meeting of the SOCIETY of ANTIQUARIES of LONDON,
the 1st of *May* 1760; and ordered to be printed.

L O N D O N, P R I N T E D M D C C L X.

Lord WILLOUGHBY, of *Parham*,

AN Account of a Copper Table, containing two Inscriptions, one Greek, the other Latin, discovered in 1732, near Heraclea, in the Bay of Tarentum, published by our learned Member Mr. Webb, falling into my hands, I was in hopes to have found in it, among the other circumstances, relating to the materials, weight, dimensions, &c. of the Table itself, a critical and historical explication of the Inscriptions, either by Mazochius or Mr. Webb.

But, as there are only some general words, relative to this purpose, mentioned out of Mazochius, I would, with the favour of your Lordship, and the indulgence of the Society, enter into a more particular consideration of the Latin Inscription only, endeavour to shew the occasion and import of the law therein contained, and illustrate it by a passage in Cicero; with an observation or two on the date and Stile of it, and on the character of a remarkable figle made use of in it, rarely, if ever, to be found elsewhere. Upon each of these articles, I shall be very short.

The words of the Inscription are to be read thus.

Quem hac Lege ad Consulem profiteri oportebit, si is quum eum profiteri oportebit, Romae non erit, tum qui ejus negotia curabit, is eadem omnia, quae eum, cujus negotia curabit, si Romae esset, hac Lege profiteri oportebit, item iisdemque diebus ad Consulem profitemino.

Quem hac Lege ad Consulem profiteri oportebit, si is pupillus five ea VQ [pupilla] erit, tum qui ejus pupilli VQve [pupillaeve] tutor erit, item eademque omnia in iisdem diebus ad Consulem profitemino ita uti ea quae quibusque diebus eum eamve si pupillus VQve [pupillave] non est, hac lege profiteri oporteret.

This

This is a fragment of a Law, enacted by Sylvanus and Carbo, Tribunes of the People, U. C. 663, or the beginning of 64, ordaining that *Strangers, not of Italy*, if they were admitted into the freedom of either of the confederate cities before, or had a dwelling in Italy at the time of making this Law, or had registred their names with the Consul or Praetor, within sixty days, should be free of Rome.

The occasion of this law was this. — After the Social war, L. Jul. Caesar passed a law, to give the freedom of Rome to all those States, that had kept their fidelity to the Romans, at that critical juncture of the Social war. This we learn from Appian lib. 1. *εμφυλ. Ιταλιωτων δε τας εν συμμαχεια παραμενουσας εψηφισατο ειναι πολεις*. At the same time, or very soon after, the Tribunes Sylvanus and Carbo passed a law, that *Strangers also* should be admitted to the freedom of Rome upon the conditions above mentioned. “ Quo eodem anno “ *peregrinis etiam aditum quendam ad civitatem Romanam lege Sylv. et* “ Carb. trib. plebis video esse factum; Peregrinos nunc appello omnes praeter Italos.” So says Sigonius, *De antiquo Jure Italiae*, lib. iii. c. 1. — And as the law of the Consul gave the freedom of Rome to the *Confederate States of Italy*, to keep them steady to their engagements by this favour; so the Tribunes, extended it to *Foreigners*, in order to bind them to the Roman interest, as we may suppose, in case there should be any necessity for their assistance in times future.

I have been a little more particular in the history of the occasion, authors, and design, of this Law, because Conradus, who has wrote a long commentary on this fragment, expressly asserts, “ de autore “ et anno quo lex lata est, nihil certi affirmare liceat.” — And indeed it is no wonder, that he has mistaken the main drift of this Law, (as will be shewn hereafter) when he had not the clue of the age and authors of it, to guide him in this enquiry.

However, of this Law our Inscription is a fragment, which relates only to that part of it, which required registering their names, in order to take the benefit of it, before the Consul or Praetor, within 60 days, after the promulgation of the Law.

The

The first clause, in our Inscription, provides, that if he that was required to register his name, in order to take the benefit of the Law, should not happen to be at Rome, at that time, his agent should be admitted to do it for him; provided that he did it within the sixty days prescribed, which are here expressed by *iisdem diebus*, plainly referring to the number of the days specified in a former part of the Law.

The next clause of the fragment provides, that if the person, entitled to register his or her name, should happen to be a *Minor*, then the guardian or tutor should be allowed to do it for them; provided he did it in the same manner, as was required from those, who were not *Minors*.—Such was the general Law, and such were the Provisos in the two clauses of our Inscription.—I shall now endeavour to illustrate them, by a passage in Cicero, in a case that related to Heraclea, the very place where this Table was discovered.

Archias, a native of Greece, and a man of learning, had been admitted to the freedom of Heraclea, a confederate city; notwithstanding which, he had been refused the freedom of Rome, Cicero defends his cause, and cites the Law, under which Archias claimed—

Data est Civitas Sylvani Lege et Carbonis—

SI QVI FOEDERATIS CIVITATIBVS ADSCRIPTI FVISSENT,
SI TVM, CVM LEX FEREBATVR, IN ITALIAM DOMICILIVM
HABVISSENT, ET SI SEXAGINTA DIEBVS APVD PRAETOREM
ESSENT PROFESSI.

Orat. pro Archia Poëta.

[All these requisites, the Orator says, met in his Client.

Our fragment therefore seems to be the following part of the Law, proceeding where Cicero stopped:—for as he ends—*Si sexaginta diebus apud Praetorem essent professi*—our fragment goes on: *Quem hac Lege apud Consulem profiteri oportebit, &c. in iisdem diebus apud Consulem profiteamini*—From whence it plainly appears, that the Conditions mentioned by Cicero, and the clauses in our fragment, are parts of the same Law, and that *in iisdem*

dem diebus, in our fragment, undoubtedly related to those *sexaginta diebus*, contained in the condition of the Law, mentioned by Cicero; which perhaps is a part, of *that rest of the Law, to which our Clauses belong*, that Mr. Webb laments is not yet discovered.

It appears hence, that Franciscus Carolus Conradus, who published a long commentary on this Inscription, at Helmstad, 1738, is entirely mistaken at his first setting out, for he says, “*primum caput legis est de recensu populi, frumentationis causa, agendo;*” that this first article, in our fragment, related to a cense of such of the people, as were entitled to receive the Public Corn.—But, according to Cicero, and the Law itself, quoted by him, it seems, that the clauses, in our Fragment, are only so many provisions relating to the due registering their names, within sixty days, as the general Law required.

What led Franciscus Carol. Conradus into the mistake of thinking it a Law *de recensu populi frumentationis causa*, that respected the distribution of the Public Corn, is a Proviso, in the latter part of it, by which *these Strangers* to be made free of Rome, *were not to be admitted* to the privilege of receiving the Public Corn; the Law runs thus —

Quicumque frumentum populo dabunt, dandumve curabit, ne cui eorum quorum nomina hac lege ab Consule, Praetore, Tribuno plebis, in Tabula in Albo proposita erant, frumentum dato, neve dari jubeto, neve finito — Qui adversus ea, eorum cui frumentum dederit, is intra mensem unum, Sestertios quingentos populo dare damnas esto.

The reason for this Exception, that the foreign Freemen should not have a share of the public Corn, I suppose, was to prevent any jealousy or commotion of the people, which would probably have happened, if they had seen strangers introduced to eat that bread, that belonged of right only to natural born citizens.—So that the mention of corn in this law, we see, is only an accidental circumstance, and not the primary intention of it, which was for the admitting of *strangers* to the freedom of Rome, under stated qualifications.

The

The Age of this Inscription seems to be that of the Law itself, U. C. 663 or 64; and the style and manner of writing is agreeable to that period, *fei* for *fi*, *quei* for *qui*, *quojus* for *cujus*, &c. But above all, there is a Sigle remarkable for its singularity in the clause about pupils or orphans; *pupillus five ea vq erit*—which Sigle I read *Pu*—for as the Roman *C* stands for *Caius*, but when it is reversed *⊖* signifies *Caia*, so the first letters *pu* being reversed, they may be supposed to stand for *pupilla*. And indeed the sense directs us to this interpretation of it, for *pupillus five ea pupilla erit* is a natural reading, which is confirmed by the following words *eum eamve* *.

But there is a difficulty that sticks with me, which is, how the Greek and Latin Inscriptions, which are on each side of the same plate, can be supposed to be of such different dates, as the Greek to be 300 years before Christ, the other 80. It would be more natural to suppose, that they were of the same date, and that the Greek was of the same age with the Latin, that is, not before U. C. 663, 33 years before Cicero's speech for Archias.---And indeed I suspect the Greek Inscription to be an Italian production from the two Sigles or *new letters* (as they are called in Mr. Webb's alphabet) which are found in it.

The *⊖*, which is called an aspirate, and the *⊕*, which Mazochius with reason calls a *V*, are both Sigles of Italian Original. The *⊖* is no more than half the Roman *H*, which is to be seen in 500 Latin Inscriptions, in Fabretti, and others, sometimes one half, sometimes the other, according to the fancy of the workman, thus *⊖* or *⊕*.—But I never remember to have seen it on any genuine Greek Monument, in this signification, and only in these mongril Inscriptions, belonging to the Magna Graecia colonies.

As to the other *⊕*, which Mazochius sufficiently proves to be *V*, though I think he derives it wrongly from the Beth of the Hebrews, that also is of Italian growth, being the true Etruscan *V*, every where found in the Eugubine Tables; with this difference only, that, as the Etruscan character was wrote from right to left, after the manner of the Orientals, this, in our Greek Inscription, is from left to right, according to the Western way of writing. I cannot let this opportunity pass without

* After I had wrote this, I found the same observation had been made by Conradus. observing,

observing, that the Etruscan V \mathfrak{V} is the original of the Digamma Aeolicum \mathfrak{D} , for by removing the lower stroke of the \mathfrak{V} up a little higher towards the middle of the Letter, what was at first \mathfrak{V} , will take the form of \mathfrak{D} , which is that of the Digamma, which was of the same power with the V of the Etruscans.—The progress of this corruption is very discernible, in some antient Etruscan Inscriptions; particularly on the Pateræ Tab. vi, v, ii, iv, in the 1st Vol. of Dempster Etruria Regal. published by the late Earl of Leicester, in the word MINERVA.—In which, Tab. vi, the V is thus formed \mathfrak{V} . Tab. v, \mathfrak{D} . Tab. ii, \mathfrak{D} . Tab. iv, \mathfrak{D} . So that here we see, at one view, the several steps, by which the Aeolic Digamma \mathfrak{D} grew out of the Etruscan \mathfrak{V} , in the manner following, \mathfrak{V} \mathfrak{D} \mathfrak{D} \mathfrak{D} .

As therefore these Sigles, or new Letters, as they have been called, appear to be of the growth of Italy, we may conclude, that the Greek Inscription, in which they are met with, was a production of some of the Settlements in Magna Graecia, mixed with some few Characters in use then among the Latins, and not older than the Law of Sylvanus and Carbo, in Latin, on the other side of the Plate*; for indeed it is hardly conceivable, how two Inscriptions, of such seeming importance, in two different Languages, without any relation to each other, should happen to meet, at the distance of 220 years, on the different sides of the same Plate.

Whatever might have been done, in sepulchral cases, by poor people, in writing one Inscription on the back of another, to save expence, yet it can never be supposed, that the great and rich city of Heraclea could be driven to the same expedient, in so important a case, as preserving a terrar and survey of their sacred Lands, or copying a Law of such consequence, as gave the Freedom of Rome to such of its Inhabitants, as were Foreigners by birth. — Frugality could have no room under these weighty considerations. — And therefore, as these Plates appear to be public Monuments, we may suppose them to

* Maffei conjectures that the Latin was prior to the Greek. *Observazione litteraria di Maffei*, tom iii. art. 10.

be the diptycs or leaves of the Register, in which these Acts, that related to the community, were copied progressively according to their date. Perhaps this may be better comprehended, by the Reader, from the sketch on the Copper Plate; where Plate I, and its reverse, as low as the fracture, represents the Greek and Latin Inscription on the English fragment; the lower part of which represents the Greek and Latin of the Neapolitan fragment. Plate II, represents a Greek Inscription, without any on the reverse, relating to the Lands of the Temple of Minerva, as the Greek Inscription, on Plate I, specifies the Lands belonging to the Temple of Dionysius.

Now as the Latin Inscription, on the English fragment, begins, *Quem hac lege, &c.* it must be supposed, that the said Law referred to what went before; and, as our Inscription is on the very top of the reverse of the Plate, may we not suppose, that the former part of the Law was written on the lower part of the other side of the Plate, which has been broken off, and is not yet discovered?

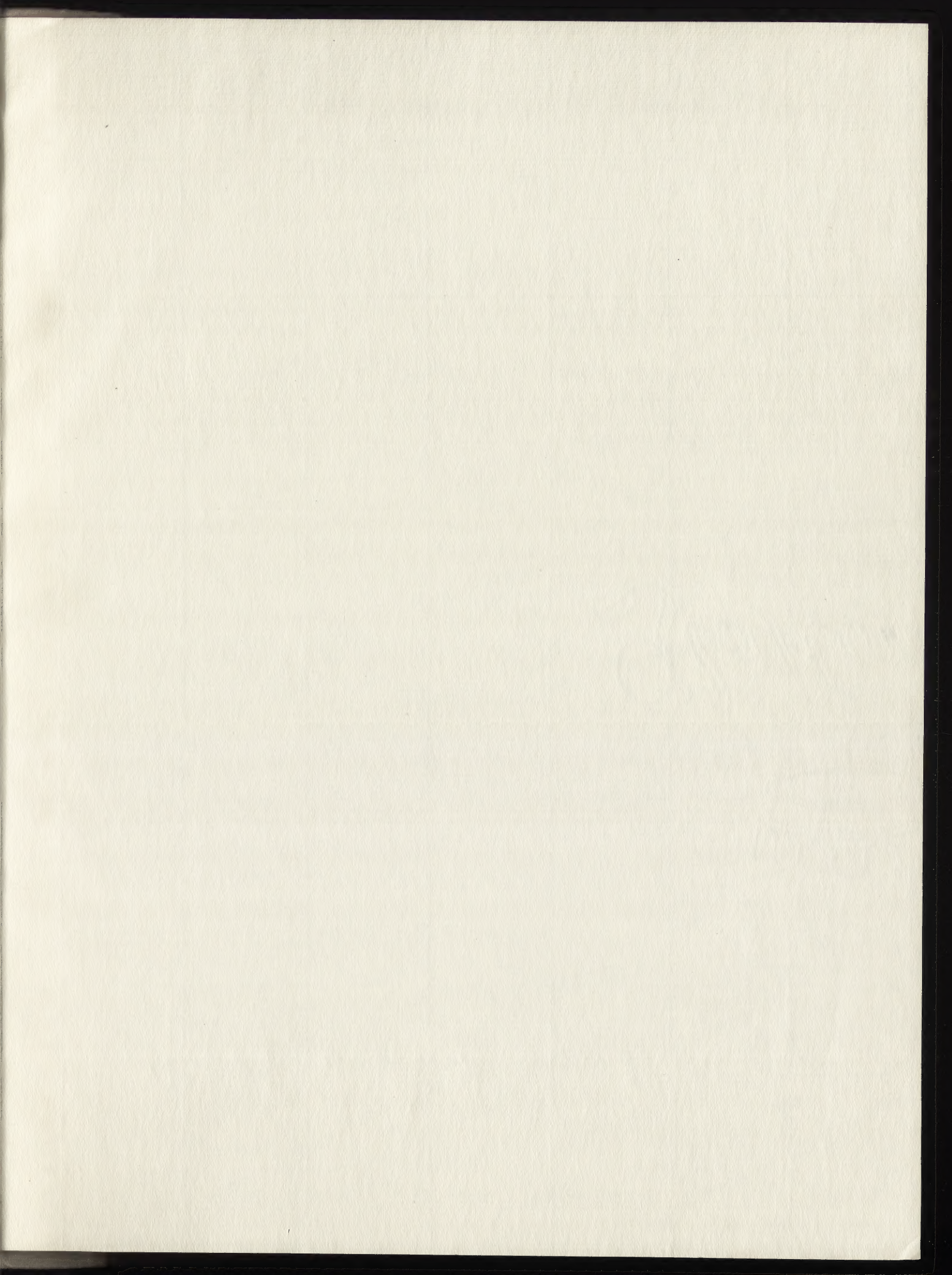
This will account for one of the Inscriptions following the other on the opposite side of the same Plate; which nearness of situation may be considered as an argument for the nearness of their date. — But this, as every other part of this Dissertation, is, with great Deference, submitted to the better Judgment of this learned Society.

F I N I S.

N. B. That part of the Law, which is explained p. 6. is here subjoined, according to the original, from whence the Reader, if he thinks it necessary, may correct *ad Consulem*, for *ab Consule*, &c. and may make such other alterations, as he may judge proper.

QVEIQVOMQVE. FRUMENTVM. POPVLO. DABVNT. DANDVMVE.
CVRABIT. NEIQVE. EORVM. QVORVM. NOMINA. H. L. AD. COS.
PR. TR. PL. INTABVLA. IN. ALBO. PROPOSITA. ERVNT. FRUMEN-
TVM. DATO. NEVE. DARE. IVBETO. NEVE. SINITO. QVEI. AD-
VERSVS. EA. EORVM. QVEI. FRUMENTVM. DEDERIT. IS. IN. TR.
M. I. HS. $\frac{1}{2}$. POPVLO. DARE. DAMNAS. ESTO.





SPECIAL

85-B
25349

